

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUL 19 2007

JAMES R. LASSEN, CLERK  
DEPUTY  
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CITY OF PASCO,  
a Washington municipal corporation,

Plaintiff,

vs.

BONNEVILLE POWER  
ADMINISTRATION, an agency of  
the federal government, ET AL.,

Defendants.

No. CV-04-5133-AAM

**ORDER OF DISMISSAL**

**BEFORE THE COURT** is the Plaintiff's "Motion For Order Of Dismissal With Prejudice And Without Costs" (Ct. Rec. 82). This matter had been set for oral argument on July 30, 2007, but the court will vacate that oral argument and exercise its discretion to hear the motion without oral argument. LR 7.1(h)(3).

This motion follows a settlement between the principal parties, Plaintiff City of Pasco and Defendants Bonneville Power Administration and Franklin County Public Utility District, as reflected in a Memorandum of Understanding executed by them in March 2007. (Ex. B to Declaration of David L. Broom, Ct. Rec. 84). The purpose of the motion is to provide notice of the settlement to other named defendants and to other individuals who have an ownership interest in any of the properties affected by the settlement. The motion provides an opportunity for them to register any objection to the settlement.


**ORDER OF DISMISSAL-**

1 The motion was filed on June 22 and no responses have been filed. Pursuant  
2 to LR 7.1(c), responses must be filed in eleven (11) calendar days. Because of the  
3 fact that no responses have been timely filed, the court will enter the order of  
4 dismissal now and avoid the time and expense which would be incurred in holding  
5 an in-court hearing which most likely would be perfunctory in nature. As reflected  
6 in the documents attached to the Declaration of David L. Broom (Ct. Rec. 84), all of  
7 the defendants and the other individuals who have an ownership interest in the  
8 properties affected by the settlement have been provided with all of the necessary  
9 information about the settlement and have had an adequate opportunity to inquire  
10 about and register any objection to the settlement.

11 Plaintiff's "Motion For Order Of Dismissal With Prejudice And Without  
12 Costs" (Ct. Rec. 82) is **GRANTED** and the captioned action is **DISMISSED with**  
13 **prejudice** and without costs to any party. The July 30, 2007 in-court hearing is  
14 **VACATED.**

15 **IT IS SO ORDERED.** The District Executive is directed to enter this order  
16 and forward copies to all counsel of record **and to each of the individuals and**  
17 **entities listed as non-CM/ECF participants on pages 4-6 of Plaintiff's motion.**

18 **DATED** this 19 of July, 2007.

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21 **ALAN A. McDONALD**  
22 **Senior United States District Judge**